IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL, CIVIL JURISDICTION

NOTICE OF MOTION NO.222 OF 2003
IN
WRIT **PETITION NO.1710 OF 2001**

MHADA Gulmohar Residents Welfare ..Petitioners

Association & Ors.

Vs.

State of Maharashtra & Ors.....Respondents

Mr. Nikhil Mehta i/b. Mulla & Mulla for the

Petitioner.

Ms. K.Ankleshwaria with Ms. S. Sreedharan, AGP for

Respondent Nos. 1 and 2.

Mr.Satya Prakash Sharma i/b. Nivit Srivastava for

Intervenor.

Mrs. Ratna Bhargavan, for the Applicant.

CORAM: **F.I. REBELLO &**

MRS.V.K.TAHILRAMANI, JJ.

DATE: 14TH July,2006

P.C.

. This Court by order dated 20th August, 2001 had granted interim order in terms of prayer clause (b). This Motion thereafter was taken out. By Order dated 22nd April, 2004 the learned Bench of this Court had been pleased to issue the following directions:-

"3. In the circumstances, we direct that each of the flat purchaser shall pay the

undisputed amount of economic rent within four weeks from today. It will be open for the individual flat purchasers to produce proof of payments before the Estate Officer and the Estate Officer shall give due credit for such payment if the arrears are not cleared interim relief granted by this Court shall be liable to be vacated qua the defaulters."

By this Motion what the respondents contend is that amounts are not made and there are arrears due and payable. On behalf of the petitioner learned Counsel submits that though they have been making various attempts to pay they have not been given correct account and in these circumstances they could not make further payment. Considering the above, we can dispose of this Motion by passing the following order:-

(i) Each individual member of the Petitioners will approach the Estate Officer who will give to them particulars of the amounts paid by him and the amount outstanding. Each member will approach the Estate Officer within one month from today. On the Estate Officer giving the account of the amounts paid the arrears should be paid within one month and subsequently the amounts at the rate of Rs.6.21 (inclusive of municipal taxes, maintenance, etc.) per sq.ft. per month pending the hearing and final

disposal of this petition.

(ii) If any of the member of the petitioners does not pay the amount as given by the Estate Officer interim relief granted by this Court on 29th August, 2001 in so far as that member is concerned shall stand vacated and it will be open to the respondents to take such steps in law which they are entitled to demand the amount from each flat purchaser as earlier agreed to pay.

(iii) We make it clear that these purely interim arrangement and not adjudication of the main dispute.

(iv) With the above direction Notice of Motion stands disposed of.

(**F.I. REBELLO, J)**

(**MRS.V.K.TAHILRAMANI, J).**